Notice of Allowability Application No. Application No. Application No. 10/771,956 BUJARD ET AL Examinor Art Unk Anthony J. Green 1755				-
Reaminer	·	Application No.	Applicant(s)	$\neg \gamma$
Anthony J. Green 1755 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address-All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously maided,) a Notice of Allowance (PTOL-85) or other appropriate communication will be maided in due course. This NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. ☑ This communication is responsive to the amendment submitted on 10/08/04. 2. ☑ The allowed claim(s) is/are 11-36. 3. ☑ The drawings filled on are accepted by the Examiner. 4. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☑ Certified copies of the priority documents have been received in Application No. 09/686,642. 3. ☐ Copies of the certified copies of the priority documents have been received in His national stage application from the International Bureau (PCT Rule 17.2(a)). 4. Certified copies not received:	Notice of Allowability			_ /
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address- All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application in for included herewith (or previously mailed), a Notice of Allowable (PTOL-86) or other approriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.318 and MPEP 1303. 1. ☑ This communication is responsive to the amendment submitted on 10/06/04. 2. ☑ The allowed claim(s) is/are 11-36. 3. ☐ The drawings filed on are accepted by the Examiner. 4. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received in Application No. 09/086.642. 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies on received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Tailure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached Final Paper No./Mail Date (b) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date		Examiner	Art Unit	
All claims being allowsle, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith for previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be main due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR. 1313 and MREP 1303 and MISEP 1303. 1.		Anthony J. Green	1755	
2. ☑ The allowed claim(s) is/are 11-36. 3. ☐ The drawings filed on are accepted by the Examiner. 4. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☑ Certified copies of the priority documents have been received in Application No. 09/686,642. 3. ☐ Copies of the certified copies of the priority documents have been received in International stage application from the International Bureau (PCT Rule 17.2(a)). *Certified copies not received: Applicant has THREE MONTHS FROM THE 'MAILING DATE' of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reasons(s) why the oath or declaration is deficient. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each shoot. Replacement sheets) should be labeled as such in the header according to 37 CFR 1.121(d). 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☐ Information Disclosure Statements (PTO-1449 or PTO/SE/08), Paper No./Mail Date Paper No./Mail Date Anthony J. Gyefin Primary Stapfiner Primary Stapfiner	All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI	(OR REMAINS) CLOSED in this apply or other appropriate communication IGHTS. This application is subject to	plication. If not included	urea TUIS
3. ☐ The drawings filed on are accepted by the Examiner. 4. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☑ Certified copies of the priority documents have been received in Application No. 09/686,642. 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILINS DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE** 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each shock. Replacement shoet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. **Attachment(s)* 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of References Cited (PTO-1449 or PTO/SE/08), Paper No./Mail Date Paper No./Mail Date BPAPEN No./Mail Date Comment Regarding Requirement for Deposit of Biological Material **Attachment's Comment Regarding Requirement for Deposit of Biological Material	1. This communication is responsive to the amendment subm	<u>nitted on 10/06/04</u> .		
4. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☑ All b) ☐ some* c) ☐ None of the: 1. ☐ certified copies of the priority documents have been received. 2. ☑ Certified copies of the priority documents have been received in Application No. 09/686,642. 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDON/MENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.** 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (dentifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.12(d). 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. **Attachment(s)** 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Paffperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Statement of Reasons for Allowan	2. The allowed claim(s) is/are 11-36.			
a)	3. The drawings filed on are accepted by the Examiner	г.		
noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (do this paper No./Mail Date 10	 a) All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). 	been received. been received in Application No. <u>09</u>		n from the
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 6.	noted below. Failure to timely comply will result in ABANDONM	of this communication to file a reply ENT of this application.	complying with the requir	rements
(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7. Examiner's Amendment/Comment Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material 9. Other Anthony J. Gleen Primary Exampliner	5. A SUBSTITUTE OATH OR DECLARATION must be submi	itted. Note the attached EXAMINER' es reason(s) why the oath or declara	'S AMENDMENT or NOT ation is deficient.	TCE OF
Attachment(s) 1.	 (a) ☐ including changes required by the Notice of Draftsperson 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.) 	on's Patent Drawing Review (PTO-s Amendment / Comment or in the O	Office action of	ck) of
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material 5. Notice of Informal Patent Application (PTO-152) 6. Interview Summary (PTO-413), Paper No./Mail Date 7. Examiner's Amendment/Comment 8. Examiner's Statement of Reasons for Allowance 9. Other Anthony J. Green Primary Examiner	each sheet. Replacement sheet(s) should be labeled as such in th	ne header according to 37 CFR 1.121(d	d).	
1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 5. ☐ Notice of Informal Patent Application (PTO-152) 6. ☐ Interview Summary (PTO-413), Paper No./Mail Date 7. ☐ Examiner's Amendment/Comment 8. ☑ Examiner's Statement of Reasons for Allowance 9. ☐ Other Anthony J. Green Primary Exampliner	attached Examiner's comment regarding REQUIREMENT F	FOR THE DEPOSIT OF BIOLOGICA	nust de submitted. Note AL MATERIAL.	e the
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 6. ☐ Interview Summary (PTO-413), Paper No./Mail Date 7. ☐ Examiner's Amendment/Comment 8. ☑ Examiner's Statement of Reasons for Allowance 9. ☐ Other Primary Exampliner		C D Nation of Inform 10		i
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material Paper No./Mail Date Examiner's Amendment/Comment 8. ☐ Examiner's Statement of Reasons for Allowance 9. ☐ Other Anthony J. Green Primary Exampliner	· · ·			52)
Paper No./Mail Date 4.		Paper No./Mail Date	e	
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 8. ☐ Examiner's Statement of Reasons for Allowance 9. ☐ Other Anthony J. Green Primary Examiner	Paper No./Mail Date	3), 7. ☐ Examiner's Amendm	nent/Comment	
of Biological Material 9. Other Anthony J. Green Primary Exampliner	4. Examiner's Comment Regarding Requirement for Deposit	8. 🛛 Examiner's Stateme	nt of Reasons for Allowa	nce
	of Biological Material	9.	Primary Examiner	lle

Art Unit: 1755

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The prior art of record, which is the most pertinent art found, fails to teach and/or fairly suggest the instant invention. See applicants' arguments in the amendment submitted on 10/06/04 for more details.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anthony J. Green Primary Examiner Art Unit 1755

ajg October 15, 2004